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Nichlas Emmons

*Indian Land Tenure Foundation*, [nemmons@iltf.org](mailto:nemmons@iltf.org)

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## Developing a Continuing Education Program for Tribal Land Professionals

### Cover Page Footnote

I would like to thank my colleagues at the Indian Land Tenure Foundation and the National Tribal Land Association for their support in developing this Certification Program. I would like to especially thank to Morganne Bourbonnais, land professional with the Citizen Potawatomi Nation, and Haile Skuza, land professional with the Morongo Band of Mission Indians, for sharing their expertise throughout the course development process.

# Developing a Continuing Education Program for Tribal Land Professionals

Nichlas Emmons

*Indian Land Tenure Foundation, Little Canada, MN, USA*

Land is one of the most important resources of any tribal nation (Greer, 2018; Lyons, Anderson, & Allison, 2017). Indian land tenure issues are often complex, covering a wide range of subject areas from law and policy to geography and natural resource management (Clow & Sutton, 2001; Ruppel, 2008; Shoemaker, 2017; Sutton, 1975). Many tribes have land departments that help tribal leadership navigate these issues through the acquisition, management, and planning of land and natural resources. The staff in these departments have limited or inadequate access to educational resources to help them to professionalize their careers. To address this need and to provide land staff with professional opportunities for growth, a flexible certification program is being developed by the Indian Land Tenure Foundation and the National Tribal Land Association.

To promote tribal sovereignty and self-determination, as stipulated through several nation-to-nation treaties and numerous policies respectively, it is important to build tribal capacity by strengthening tribal land offices. The importance of land to both Native peoples and tribal nations includes economic development, cultural practice and revitalization, and environmental sustainability (Davis, 2000; Davis, Roscigno, & Wilson, 2015; Emmons, 2012). In fact, an essential component of sovereignty and nation-building is a land base (Arnett, 2017; Shoemaker, 2017). The need for land to be restored to Indian ownership is based on the effects of the General Allotment Act of 1887, which removed 60% of reservation land from Indian ownership (Indian Land Tenure Foundation). Despite the official end of allotment policy in the 1930s, the effects of allotment have continued. Building tribal capacity in land offices may help to mitigate these effects.

Empowering tribal land offices through education is one way to strengthen tribal institutions and promote sovereignty. The effects of allotment, namely fractionated heirship and checkerboarded ownership, are problematic for tribal nations seeking to exercise self-determination and jurisdiction over their lands. To better inform tribes and tribal land professionals on a variety of different land-related issues, and to provide training in areas pertaining to land acquisition, management, and planning, the Tribal Land Staff National Conference was created and the Tribal Land Professionals Certification Program was developed.

The purpose of this paper is to explain the development of this online program, highlighting appropriate background information, providing a full description of the program itself, offering some preliminary findings, and ending with suggestions for additional research.

## **Background**

The first Tribal Land Staff National Conference (TLSNC) was held in 2011. At the conclusion of this meeting, staff from tribal land offices and other tribal departments like the Tribal Historic Preservation Office, and Native-led nonprofits and attorneys working on Native land issues formed the National Tribal Land Association. The association “was created to provide a place where tribal land professionals could learn and share with one another by providing opportunities for training, access to resources, and networking opportunities.” (National Tribal Land Association) Understanding the need to promote continuing education and training in Indian Country, the association began moving the TLSNC to various Native-controlled venues across the United States.

As conferences were convened annually after 2011, it became clear that tribal land office staff wanted opportunities to professionalize their careers. Out of these discussions was born the concept of an online training program that provided land office staff with a basic, intermediate, and advanced understanding of relevant information and documents used in land office transactions. This online program would be affordable, flexible, and relevant to the specific needs of current tribal land staff. Furthermore, to more fully professionalize careers in tribal land offices, the newly established association would create standards for both professionalism and technical competency. This new program, in conjunction with on-site training at the TLSNC, will be the primary drivers of professional development for tribal land staff.

The board of directors for the association formed the general layout of the program by articulating the specific skills and content areas that should be covered in the professionalization. As a member of the board myself and the instructional designer for this program, I integrated the content knowledge provided by association members and expert field staff. Working closely with these professionals was essential to the development process and the lynchpin of the program itself as it promotes the overall purpose of the association: providing an opportunity for training while also building networking platforms for land staff across Indian Country. The first of its kind, the Tribal Land Professionals Certification Program will serve as the premier continuing education program for staff already employed in tribal land offices.

## **Description of the Certification Program**

The Online Tribal Land Professionals Certification Program was created by numerous experts working as tribal land professionals, which include those in the land offices but also attorneys working on a variety of tribal land issues. The program is comprised of 12 courses divided into three levels. Each level contains four courses: Land Acquisition, Land Management and Planning, Real Estate Principles and Practices, and General Realty. Each course builds upon information learned in the previous level with the first introducing the fundamentals in each subject. The last level serves as a program capstone, offering students a chance to engage in real-life experiences. In addition to the conference, the certification program provides continuing

education opportunities for current professionals while also serving as a program preparing others for careers within tribal land offices.

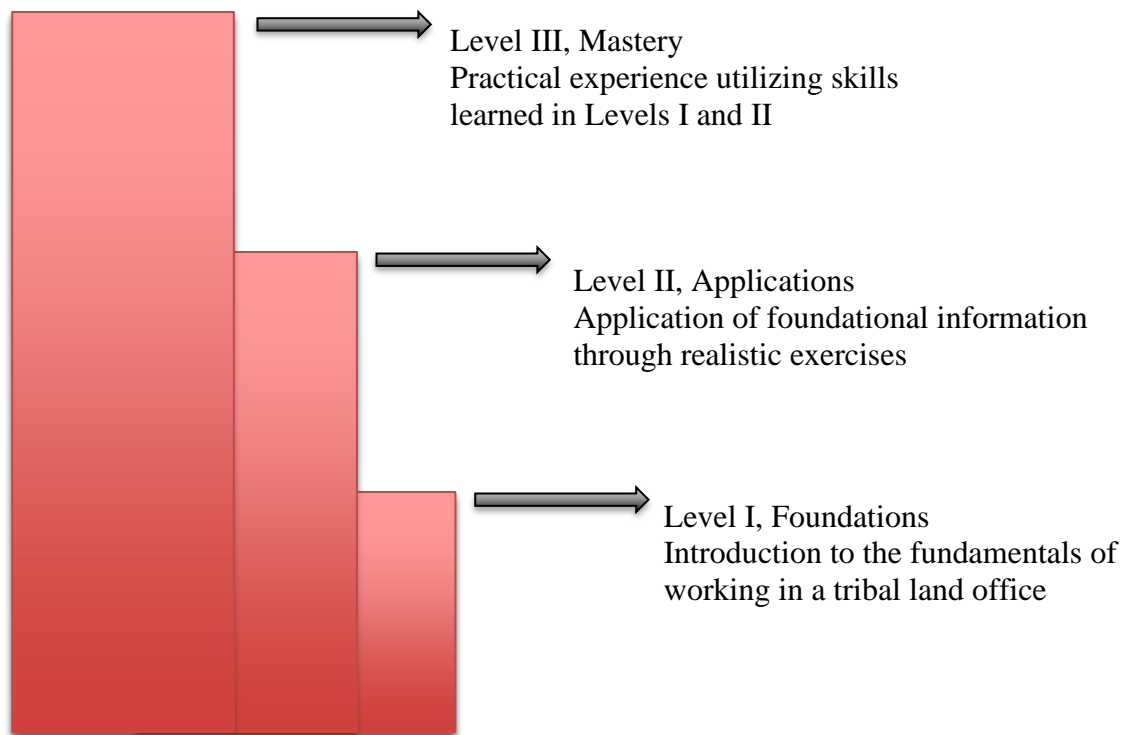
Courses in Level I are foundational, providing a basic but comprehensive understanding of essential information. Each course features a pretest, which must be completed before starting on any of the modules, and ends with a posttest that requires students earn an 85% to successfully complete the course. Each module within these courses provides reading materials, video content, and a discussion forum prompt. Each prompt is designed to challenge students to synthesize the information learned in a respective module into an articulate and coherent essay. Learning evaluations are requested at the end of each course in Level I, affording students a chance to submit course feedback and measure their own learning outcomes.

Courses in Level II are applied, delivering scenarios and partially redacted documents for the students to complete. Instead of tests and essays, students read a brief scenario and apply the module information by creating a working document relevant to the situation. Edited documents will be provided so that students receive experience in completing necessary forms and procedures. As scenarios are completed, submissions will provide critical feedback by experts working in, or closely with, tribal land offices. When students receive a passing assessment of all scenarios in each course, they have completed the course successfully.

Courses in Level III are mastery, requiring actual time in a tribal land office performing the tasks for which students were prepared in the previous two levels. This practicum requires approximately 2,000 hours of work in a tribal land office, and this work may be unpaid. To receive credit for this time, there must be signed documentation indicating the student's role in the land office. For those already employed in a land office, it may be possible to receive some earned credit for time worked. Successful completion of Level III courses includes reflection essays, evidence of work completed in the land office, and approval from a supervising director within the office where the student is completing the practicum requirements. The diagram in Figure 1 illustrates the program.

Partnering with United Tribes Technical College, each professional satisfactorily completing a course will receive a certificate of completion from the college along with each course's corresponding continuing education units. Those professionals who complete every course will be awarded an official certification from the National Tribal Land Association that indicates their high level of attainment toward professional and technical competency.

Figure 1: Structure of the Online Tribal Land Professionals Certification Program



### Program Delivery

The certification program is flexible enough for students of the program to complete at their discretion, removing traditional time constraints of a semester system while also emphasizing independent learning. In communicating with current tribal land professionals, we learned that the need for flexibility is essential given their busy schedules and the workload with which many tribal land offices are tasked. Even though the courses are offered completely online, students have access to the vast network of tribal land staff and the expertise as found on the National Tribal Land Association's board of directors.

### Standards for Professionalism and Technical Competency

All courses throughout the program adhere to the National Tribal Land Association's ACCESS Standards for Professionalism and Technical Competency. These standards professionalize careers in tribal land offices. This certification program provides opportunities for learners to acquire knowledge and skills, create stronger tribal processes, collaborate with others across tribal nation boundaries, empower tribal land offices and their staff, and strengthen both tribal self-determination and sovereignty through education and training. The ACCESS Standards are defined in Table 1.

Table 1. ACCESS Standards for Professionalism and Technical Competency

|          | <b>Standard</b> | <b>Description</b>  |
|----------|-----------------|---|
| <b>A</b> | Acquire         | It is necessary to acquire the knowledge and skills vital in the overall functions of tribal land offices.                                    |
| <b>C</b> | Create          | Staff develop more effective and efficient tribal land office processes through a tiered training program.                                    |
| <b>C</b> | Collaborate     | Participants form professional communities for networking and training purposes, which helps in professionalizing tribal land office careers. |
| <b>E</b> | Empower         | The training of land office staff builds confidence through skills development and knowledge construction.                                    |
| <b>S</b> | Self-determine  | It is essential to tribal self-determination to have a better-prepared land office staff.   |
| <b>S</b> | Sovereignty     | Sovereignty is promoted through educating and reinforcing staff for tribal land careers.  |

### Program Goals and Outcomes

There are three goals to the certification program: (1) To better prepare individuals for careers in tribal land offices, (2) to provide continuing education opportunities for professionals already working in tribal land offices, and (3) to create a community of learners and professionals where networking about the profession is encouraged. Through achieving these goals, we hope to achieve three outcomes. Students will have (1) comprehensive knowledge in a variety of topics and procedures as they relate to the kind of work done in tribal land offices, (2) preparation to pursue careers as tribal land office professionals, and (3) access to a larger community of professionals for networking purposes.

### Course Evaluations

At the end of each course is a web link to the course evaluation. This evaluation provides each professional with an opportunity to better assess his or her own learning progress. The evaluation prompts allow responders to understand the amount of time they dedicated to their online course and whether they were able to understand and use information presented in the course along with an opportunity to articulate any modules to which they took some issue. For those who completed a Level I course and submitted an evaluation, response to these first four courses were generally positive. The most cited concern was the professionals' own time constraints that may hinder their ability to complete the course within the given timeframe. To-date, this timeframe is confined by the traditional 15- or 10-week semester format as outlined by United Tribes Technical College.

### Preliminary Results

The program was piloted in the summer of 2018. Table 2 shows the pretest and posttest scores of the 13 students who completed the first level of the Land Acquisition course along with their degree of change between the two assessments. Out of a possible 50 points, the average pretest score was 39.5, or 79%. The average posttest score was 48.3, or 96.6%. This is an average

increase of 8.7 points, or 17.4%. One note about this first course launch is that all professionals enrolled have been working in a tribal land office for at least two years and perhaps already possess basic knowledge about land acquisition.

These results are encouraging in that these specific assessments are content based, implying that these professionals are retaining at least some of the information they are learning from their engagement in the course's modules. Alternatively, these results may indicate that the course supports existing knowledge. As the Tribal Land Professionals Certification Program more fully matures by enrolling students throughout all courses and in all levels, it will be important to evaluate and explore how this potential knowledge acquisition in a Level I course promotes an increase in skills adaptation of later levels.

Feedback received through the course evaluation showed an overwhelmingly positive response to the online program, with professionals rating the program highly for its online delivery, content materials, and rigorous writing assignments. The one hindrance cited by one of the professionals is that he thought the course was too full of content and was therefore more difficult for him to complete in the abbreviated 10-week summer semester.

Table 2: Land Acquisition Level I Pretest and Posttest Scores of Enrolled Professionals

| <b>Student</b>    | <b>Pretest Score</b> | <b>Posttest Score</b> | <b>Degree of Change</b> |
|-------------------|----------------------|-----------------------|-------------------------|
| <b>1</b>          | 50                   | 50                    | 0                       |
| <b>2</b>          | 29.5                 | 47                    | 17.5                    |
| <b>3</b>          | 49                   | 50                    | 1                       |
| <b>4</b>          | 35                   | 50                    | 15                      |
| <b>5</b>          | 48                   | 50                    | 2                       |
| <b>6</b>          | 33.5                 | 48                    | 14.5                    |
| <b>7</b>          | 38                   | 50                    | 12                      |
| <b>8</b>          | 35                   | 47                    | 12                      |
| <b>9</b>          | 35.5                 | 46                    | 10.5                    |
| <b>10</b>         | 33                   | 48                    | 15                      |
| <b>11</b>         | 48                   | 48                    | 0                       |
| <b>12</b>         | 31.5                 | 44.5                  | 13                      |
| <b>13</b>         | 48                   | 49                    | 1                       |
| <b>Total</b>      | 514                  | 627.5                 | 113.5                   |
| <b>Average</b>    | 39.5                 | 48.3                  | 8.7                     |
| <b>Percentage</b> | 79%                  | 96.6%                 | 17.4%                   |

### **Future Research**

Because the program is new and only a small pilot has been administered, there is a lot yet to determine about the new certification program. For instance, it is necessary to develop an experiment to determine whether the program really achieves its goals of promoting sovereignty by building capacity in tribal land offices. A chief consideration to address this is whether professionals enrolling in the program are actually learning from the material at all. As noted in the preliminary findings, there is some early evidence to suggest that learning is taking place. It will take further analysis and research to more fully explore this phenomenon.



In a related area of research, additional evaluative research needs to be done to determine any changes necessary to the program content and delivery. These new changes, then, will also be open to scrutiny as we continually improve the certification program. The course evaluations from the pilot study indicate an overall satisfaction with the course, but there may be other considerations worth investigating that include any potential parallels between students' expectations of the course and their perception of their performance.

While these prospective areas of research focus heavily upon the evaluation of the certification program itself, this does not preclude more theoretical considerations. Through this program, research studies may focus on adult continuing education and online learning. Because the goal of this certification program is to build capacity by professionalizing careers in tribal land offices, larger studies might explore whether this certification program contributes to broader community development and community activeness. Toward that end, might the certification program eventually contribute in some meaningful way to the restoration of reservation lands to Native ownership? Investment in education is a long-term strategy, but will educational programs such as this one assist tribal nations in exercising their sovereignty more effectively?

### **Conclusion**

The purpose of the certification program is to increase tribal capacity by professionalizing careers in tribal land offices. We hope that by having stronger capacity in these offices, tribes will be able to work more efficiently and effectively at mitigating the effects of land loss resulting from their difficult histories with the United States government. While restoring ownership of the land lost through the Dawes Act will be a multigenerational process, the certification program may serve as an important training component in educating and professionalizing the next generation of tribal land staff.

*Nichlas Emmons has been a program officer with the Indian Land Tenure Foundation since 2014. In this role, he manages the foundation's education programs, including the Lessons of Our Land curriculum, the development of the video game When Rivers Were Trails, the Treaty Signers Project, the Tribal Land Staff National Conference, and the Tribal Land Professionals Certification Program. Prior to joining the foundation, Emmons served as faculty at the University of Alaska Fairbanks, Utah State University, and Fort Lewis College. He is also a member of the board of directors of the National Tribal Land Association.*

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